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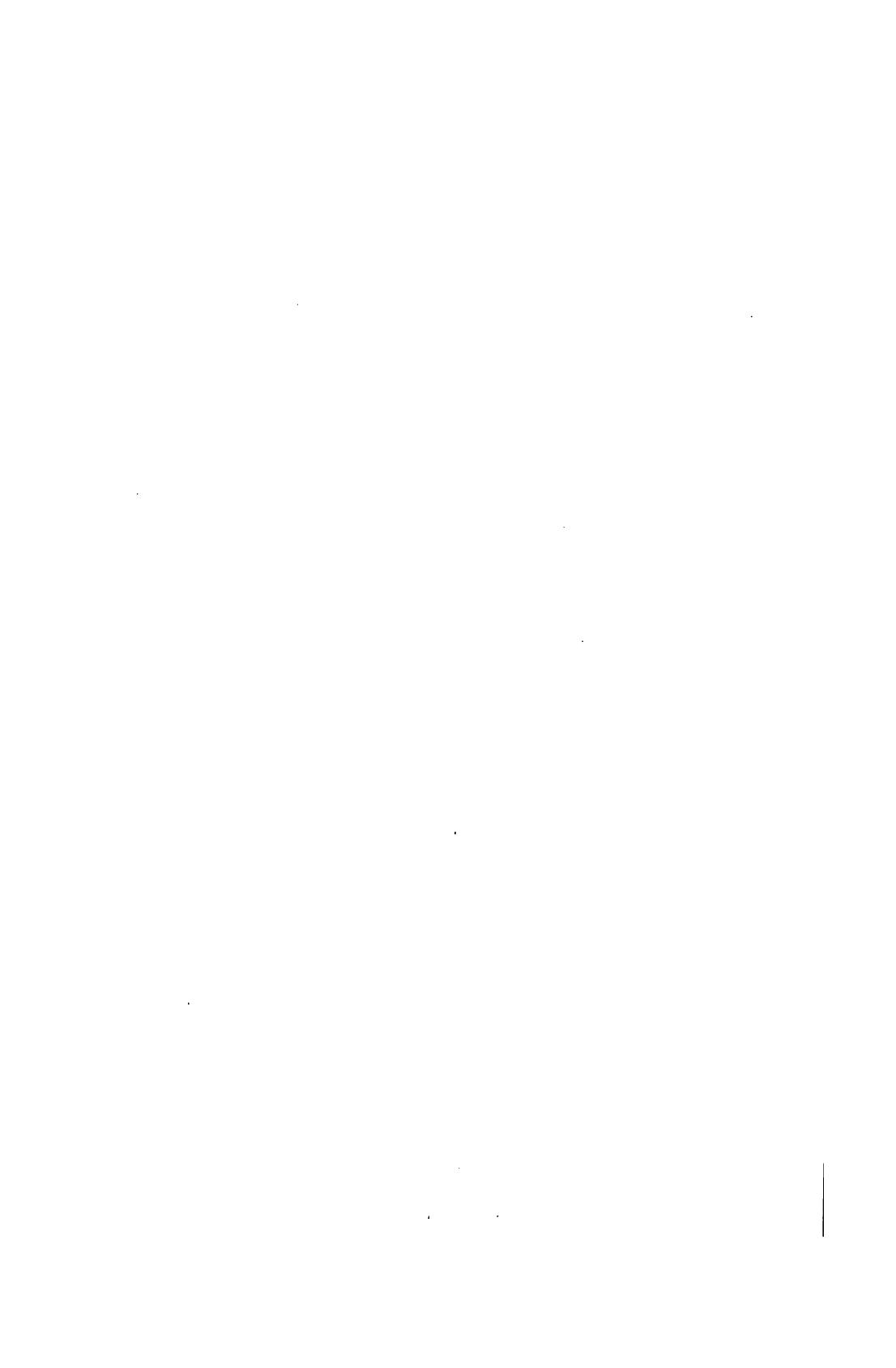


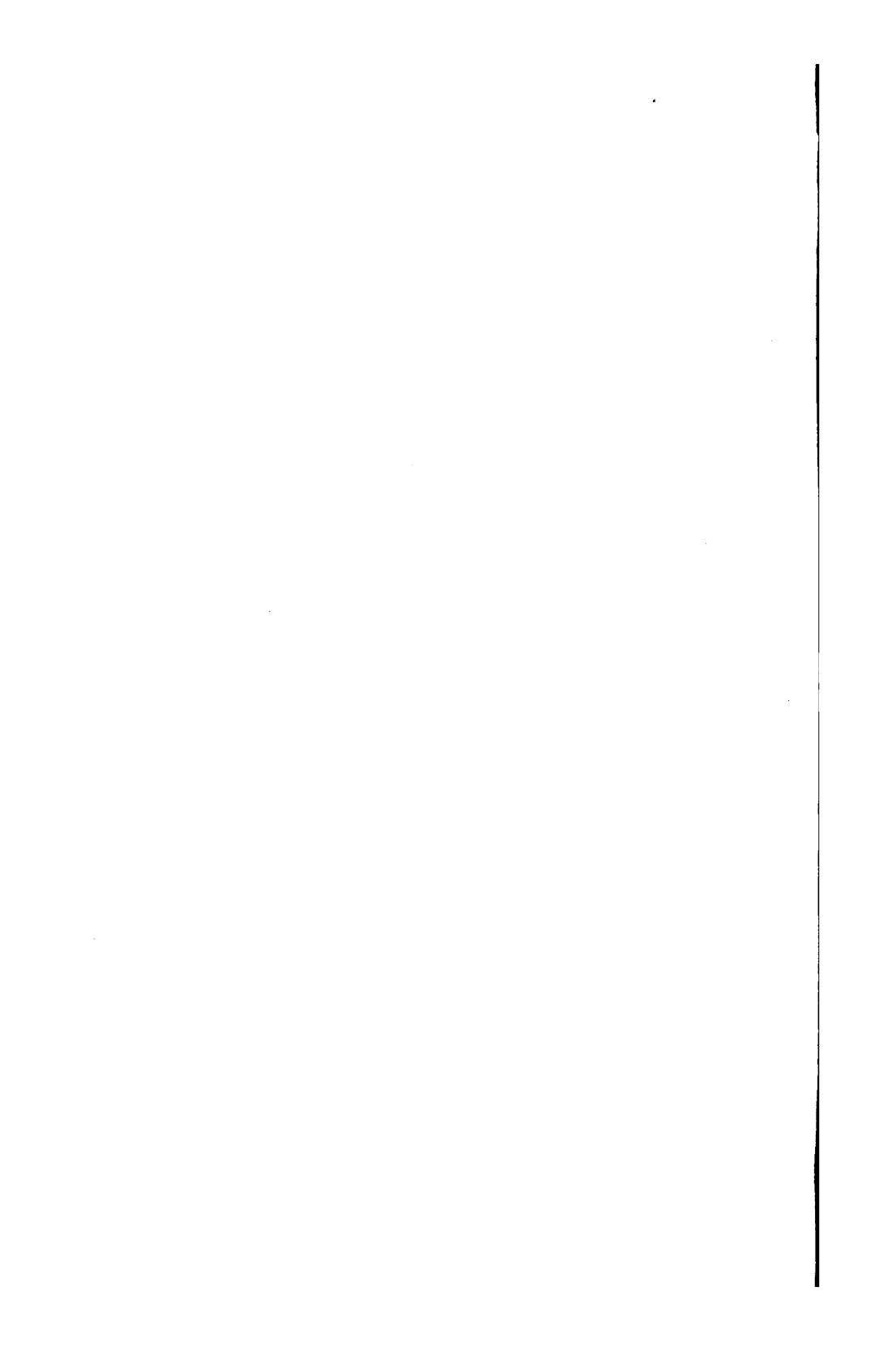
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A
LETTER

ON THE

G A M E L A W S.

BY

A COUNTRY GENTLEMAN,

A PROPRIETOR OF GAME.

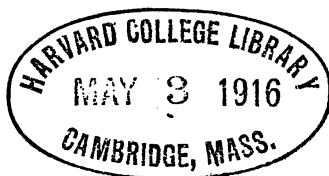
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A

LETTER

ON THE

G A M E L A W S.

MY DEAR SIR,

THE intimate knowledge I possess of your sincere regard for the moral and political welfare of your country, and the sound and manly judgment you are capable of exercising upon the practical association of morals and politics in affairs of legislation, induce me to address to you the following Letter.

It treats upon a subject to which, however important in itself, the habits of your life have never perhaps excited much attention in your mind; but I presume to think that you can scarcely fail to be interested by the extensive

mischiefs which it involves;—mischiefs indeed of a magnitude little suspected by many of those who may be said to promote them.

I must nevertheless admit that, notwithstanding my conviction of the extent of your philanthropy, I certainly owe you some apology for wishing to make you a party in a discussion, from which it is no common ground of congratulation to have been hitherto entirely free;—for there are few subjects on which a contrariety of opinion is maintained with greater violence than on the GAME LAWS. Both parties argue with the feelings of injured individuals; and, as is usual in such cases, both have some ground of complaint. But public morals, and the peace and good order of the country, present still more serious grounds of objection to those laws, as they now stand on the statute book, than private interests, or the actual condition of society. In such a state of things it is difficult to take an impartial view of the subject, and still more difficult to impress it upon the minds of others. The feelings, first, of those who suffer from the plunder of what may fairly be consi-

dered as their property;—next, of those who are indignant at being precluded from amusements and enjoyments to which they think that their station in life entitles them;—and, lastly, of such as look with horror at the long train of vice and immorality which can clearly be traced to its origin in the prohibitions of the Game Laws;—all these feelings, and their combinations, introduce a degree of blind zeal and ill-humour into any discussion of the subject, which is singularly inimical to a beneficial practical result.

Notwithstanding these difficulties, recent circumstances induce me to make the attempt, in the humble hope of lending some assistance to the cause of good order and morality.

A distressing event, which has lately taken place in my own neighbourhood,* has revived in my mind reflections which have frequently passed through it, on the tendencies of the Game Laws; and I am more than ever convinced that an impartial review of their principle, objects, and

* I allude to the recent homicide of a desperate and notorious poacher, who left destitute upon the parish a wife and several children.

effects, should scarcely fail to gain the assent of all parties to considerable alterations. More especially may this result be expected, if, as I think, it can be shewn that the alterations proposed would tend to conciliate and to promote the interests of all parties concerned :—that they would, at one and the same time, increase the quantity of Game for the sportsman; extend the enjoyments connected with the possession of game to those whom the progress of society has raised into a station to be entitled to them ; and also immediately check, and ultimately annihilate, the moral and political evils resulting from the present prohibitions. I do not, however, wish to disguise my opinion, that it is the extent of these last which imperatively calls for the interference of the Legislature, and of all persons who have the least regard for the welfare of their country. The extent and progress of the evil cannot be conceived by those who are not conversant with the lower ranks in the country, villages. From extensive observation and inquiry, I believe in my conscience, that it is not too much to assert that three fourths of the

crimes which bring so many poor men to the gallows have their first origin in the evil and irregular habits, NECESSARILY introduced by the almost irresistible temptations held out, in consequence of the prohibitions of the Game Laws, to a nightly breach of their enactments.

This I can safely declare of my own knowledge,—that of the numerous country villages with which I am acquainted, NOT ONE exists in which the profligate and licentious characters may not trace the first and early corruption of their habits to this cause.* And, I think, it will soon be acknowledged that the wonder is, not that so many are corrupted, but that so many escape the temptations necessarily consequent upon a set of prohibitions, enacted for one state of society, but by the lapse of time, and change of circumstances, rendered perfectly inapplicable to its actual condition. Truly this is no object of petty legislation or insignificant detail.

* The experience of every impartial magistrate, of every judge of assize, will fortify this assertion:—many indeed have openly declared it.

The moral habits of the universal population are deeply implicated in it. The safety of every description of rural property is as much concerned. The peace of society and the security of individuals are no less endangered. We scarcely take up a country newspaper without seeing a long list of proprietors associating for mutual assistance in prosecuting and punishing the depredations of their poorer neighbours. How comes it that it never occurs to these gentlemen, that this general depravation of habits must have some *moral cause*?—and that they would save themselves much trouble, and do the state good service, if they would associate to *prevent* the evil rather than to *punish* it, to weaken or remove the *cause* rather than vainly to oppose its necessary *effect*?

I believe it may truly be said that, in a free country, a population, corrupted by temptations necessarily involved in the enactments of the laws themselves, cannot be restrained from offending by any counteracting severity in those same laws; and it is not a little surprising that

laws of this Jesuitical character should not be expunged by acclamation from the code of any free state.

The application of the Game Laws to the poor of England is conclusive upon this point. They constitute one of the few acts of this nefarious description yet remaining unaltered on our statute book, and in the full vigour of their mischievous operation upon the temper and morals of the people. Surely then it is incumbent upon every citizen of this free state, by association, by petition, and by every lawful means to use his utmost influence in prevailing upon the legislature to wipe out so foul a stain upon their moral integrity.

I proceed to justify the severity of these remarks by a brief detail of the principle, objects, and effects of the Game Laws; and shall conclude with some attempt to point out an efficient remedy.

The *Principle* of the Game Laws is abstractedly a very fair one;—namely, to secure to those, at whose expense the animals are reared and supported, the enjoyments accruing from the pos-

session of them. To accomplish this end, the specific objects of the Laws seem to have been, 1st. To preserve to the Proprietors of Land the amusement of sporting—2dly. To afford to the higher ranks of society, *to whom alone it is of any value*; the luxury of game at their tables. Now these are certainly reasonable objects. It is of the highest importance to the welfare of the people and to the good of the state, that landed gentlemen should reside upon their properties. It is therefore matter of sound policy to secure to them the enjoyments which will make such residence agreeable, as far as it can be done without injustice to others. And surely it can never be called unjust to preclude a stranger from destroying animals for his own profit, which have been reared and preserved at the expense of the landed proprietor. Again, the possession of game, as a luxury for the table, is absolutely of no value to persons of the lower sort: they annex no idea to a dead hare or partridge, but its value in money. Since therefore there is neither game enough in any country either to afford the amusement of sporting to the whole population,

or to afford articles of food to all ranks of society; it seems perfectly fair that those, who by natural justice have no right to the article, and to whom it is in fact of little or no value, should be the party debarred from taking it. By the principles of equity it is evident that a stranger has no more right to the wild animals, bred and fed on my property, at my expense, than he has to the tame animals in my poultry yard. In either case he could only entitle himself to the possession of them by agreement or purchase.

The principle and objects then of the Game Laws being fair and reasonable, let us proceed to inquire how far their present enactments are calculated to produce the effects intended; and what specific effects they do actually produce. As to the privilege of sporting, it may be said in general terms that a man must possess *of his own*, according to his tenure, from £100 to £150 a year in land in order to be qualified to carry a gun, or to use dogs for the purpose of killing game. Now according to the present system of society, this appears hard to the occupiers of large tracts of land, and to gentlemen of pecuniary fortunes;

who are precluded from a privilege to which their rank and station entitle them, and the possession of which would of course be very agreeable to them. A rich merchant or tradesman, for example, as the law now stands, cannot by hiring a tract of land of any size become privileged to sport upon it; and the same may be said of an opulent farmer. This appears somewhat contrary to natural justice; for in either case the animals would be reared and sustained at the expense of the party prohibited from all usufruct in them. But as the occupier may nevertheless prevent any one else from coming on the ground in his occupation to kill game, it would appear in this case to be the property of no one; or rather by a curious arrangement of legislative foresight, to be reserved for the sole use of an individual, who is debarred from touching a feather in its wing.

It is not however with a view to expose inconsistencies of this kind that I trouble you with this letter. Would that the laws involved no greater evil! I shall beg you however to bear the circumstance in mind, as the remedy I shall

presently propose for the more serious absurdities will also wipe out all these lesser faults.

I shall therefore proceed to the main subject of my argument, involved in the second object of the Game Laws; which has in view—"To afford to the higher ranks of society the luxury of Game at their tables."

In the agricultural state of society, in which England was found when the Game Laws assumed their present shape, enactments prohibiting the sale of Game, and confining the privilege of taking it to the landed proprietors, might fairly enough be said to have fulfilled this second object. The gentry of England, those who exercised hospitality, and who kept a table, were almost exclusively such proprietors, or their connexions;—so that there was no man who from his station in life felt it proper, or entertained a wish, to have game at his table, who was precluded from lawful means of placing it there.

But how stands the case since the changes introduced into society by commerce and manufactures, by the increase of great and opulent towns filled with merchants and other citizens, who are

bound by their stations and occupations to exercise a liberal hospitality, and especially to support a well appointed table, at which the appearance of game is but a reasonable indulgence? Why, it cannot be denied that three fourths of the legitimate consumers of game in the present day can only procure it by tempting others to a positive breach of the laws; for they can get it by no other means except by purchase from those who employ the country poacher in almost every rural village in the kingdom, or corrupt the land-owner's gamekeeper, on half the extensive properties of England, to take it for them. And what is, if possible, still more absurd, unjust, and insane than the other parts of this notable arrangement, while the poult erer, the poacher, and the gamekeeper, are exposed to heavy and ruinous penalties for selling this game, the ultimate purchaser or consumer, who is certainly the prime mover of the whole transaction, offends against no law whatsoever (at least against no human law) in placing the almost irresistible temptation in their way.

I say "*the almost irresistible temptation,*"

because no honest man can disguise from himself that when three fourths of a community are debarred by law from any privilege to which they have an equitable claim, which it is also within their power to establish, even under the protection of those very prohibitory laws;—that in such a case the laws will be overlooked, and a custom established in opposition to them too powerful to be resisted. Of what avail for example are the laws against bribery and corruption at elections in rotten boroughs, so long as we know that thirty or forty gentlemen, who from their rank, station, or riches, are entitled to a seat in Parliament, will always be found ready to bid against one another, till the temptation rises too high for the conscience of the poor elector to resist? Why, too surely the laws in this case are of no avail except to ensure the corruption of the people, to raise the price of votes in rotten boroughs, and to establish a sort of descending ratio in the morality of their representatives. It is mere hypocrisy to say that those gentlemen ought not to tempt others to break the laws. They will of course answer—By the very con-

stitution of them we can only avail ourselves of a privilege to which we have an equitable claim by such means. And supposing we did abstain, as in strict justice we certainly ought, what would be the consequence? the privilege would descend in the scale of society and morality, till it came to where conscience and honour stood at the freezing point. The result would therefore be the establishment of a premium for the degradation of the character of a representative;—the electors in each case being equally tempted and corrupted. The plain and honest truth then cannot be concealed. It is this:—that, knowing that from the inevitable operation of the law itself upon the existing state of society it must and will be infringed, it is both unjust, absurd, and immoral, not to adapt it to the altered circumstances of the times.

By parity of reasoning it is idle to assert that monied gentlemen, purchasers of game, ought not so to tempt poulters and their agents to break the laws. Strictly true as the assertion is, they will be very apt to answer to the landholders, that their reproach is but miserable cant so long

as the laws prohibit the agents of the monied interest from legal means of procuring that to which they themselves have an equitable claim, whenever a superfluity of it exists in the market. Experience shows that the country supplies game enough for the tables of all those who can afford to buy it. Surely then, instead of asserting, against all experience and probability, that it should not be sold and purchased for their use in opposition to a most absurd and impracticable law, which almost enforces the very transfer it prohibits;—it should rather be said, that a law ought not to remain unaltered so little adapted to the change that has taken place in society, and which must for ever put in the way of the offender an almost irresistible temptation to commit the very offence of which it enacts the punishment.

If the object of a good and fair law is to prevent the commission of an offence, it is difficult to speak in terms of measured indignation concerning statutes, which at one and the same time both *promote* and *punish* the same crime. To be both *unjust* and *ineffectual* is the deepest reproach with which any law can be stained, but

it is by no means the foulest to which the present Game Laws are obnoxious : for I think it quite indisputable that they are not only unjust as *they tempt to the commission of the offence* which they severely punish ; not only ineffectual, as they have no tendency to prevent the commission of the offence itself ; not only absurd as tending to raise the price of game in the market by the additions made to its cost on account of risk and penalties ;— but that they are above all, grossly wicked, as their chief positive consequence is the general destruction of the morals of the rural population, which like the “stout peasantry” itself,

“ When once destroyed, can never be supplied.”

I trust it will scarcely be necessary to enlarge upon their destructive moral tendency further than briefly to detail effects which almost every country newspaper must have made familiar to my readers. Discontent against their superiors is one of the first effects produced by the Game Laws among the lower orders. Finding himself employed as the agent to transfer the property

of one rich man to another, who is obnoxious to no punishment for receiving it, the poacher, when discovered and convicted, perceiving himself to be the only victim, is tempted to think that there is one law for the rich and another for the poor ; an observation which a poacher made in my presence the other day. This feeling is carefully fostered by his employers, who studiously represent game to be *every man's property*, tyrannically preserved for the benefit of a few, and therefore that it is at least *fair* if not *meritorious* to attack it ; whereas certainly no man can have the slightest equitable claim to it except by purchase, who has had no share in the expense of rearing and preserving it. Frequent breaches of the peace, murders, and homicides, are the natural result of the continual contests which are kept alive in a parish, between different portions of its armed population. The regular army, as it may be called, of Gamekeepers and their assistants are assailed in their nightly bivouac by the irregular tirailleurs of the bands of poachers ; and the savage spirit and consequences of a war of posts are perpetuated in every village. All

moral ideas of right and wrong are confounded; all love of the spirit of peace and humanity are banished from the breasts of the contending parties; and even the shedding of a neighbour's blood is considered matter of triumph among their several advocates.—As the poet states of a profligate alehouse-keeper.

“ He praised the poacher, precious child of fun,
Who shot the keeper with his own spring gun.” CRABBE,

That this condition of things should ultimately prepare the minds of the lower classes for every crime to which the circumstances of their station can tempt them is not surprising—nor that the calendar which records the most atrocious enormities should be filled with the names of those, who, upon first starting in the career of poaching, would have shrunk with horror from a contemplation of the crimes which they were afterwards the most forward to commit.

The habit of nightly plunder,

—“ When steals the vagrant from his warm retreat,
To rove a prowler, and be deem'd a cheat,”—

by depriving the poor man of the conscious integrity of his conduct, deprives him of more than

half his motives to abstain from crime. He acquires the feelings, the fears, the suspicions of the thief:—he considers himself as in a state of warfare with all the honest part of the community; and as justified by his new system of opinions and associations to attack them and their property. Failing his success in the wood, the field, and the forest, he resorts to the hen-roost or the sheep-fold. He becomes a felon confessed or convicted: and with feelings and habits corrupted and perverted by the process just described, what principle of restraint can any longer operate to prevent him from the most desperate undertakings—from the extremes of burglary and murder? The whole process is as simple and natural as it is in most cases inevitable; and the proprietor of game may tremble to think from what a little cloud, apparently no bigger than a man's hand, all this storm of vice, misery, and corruption, to the poor themselves, and to their innocent wives and children, has evolved.

Now I must entreat you my friend to remember that I am not here tracing an imaginary scene

of horrors, — or attempting to deduce consequences, without a thorough practical knowledge of the causes from which they spring. You well know that I am a Country Gentleman, a proprietor of Game, and that I have long and actively discharged the duties of a magistrate in an extensive country district. I must therefore be well acquainted with the principle, operations, and effects of the laws whose enactments I venture to call in question. And if I were open to any prejudices concerning them, those relations in which I stand towards society would rather tend to bias my mind in favour of, than in opposition to them ; for, *prima facie*, they are certainly severe and exclusive enough to promise ample protection to my property and my amusement. No ! my friend, it is not from pique, prejudice, or a morbid sensibility, but from a long and impartial consideration, and I trust a manly judgment, corrected by practical experience, that I venture to pronounce them *unjust, ineffectual, and of a moral tendency dreadfully destructive* : and that I call upon you and every friend of good

order and morality to use the utmost influence afforded by your several stations in life to procure the necessary alterations.

Before I proceed to suggest what these alterations ought to be, I think it necessary to anticipate an objection which some persons may be inclined to make to the general nature of my reasoning upon the temptations arising out of the Game Laws. It may perhaps be said that municipal law in general is but the prohibition of actions or privileges, to which men individually have by nature an equitable claim, but which the good of society and the interests of the government under which they live, render it necessary to restrain within certain limits. For example, this may particularly be asserted of all revenue laws; the object of which is to levy a duty, or, in other words, add an additional sum to the price of various articles to which the consumer has a natural and fair right upon payment only of the reasonable cost and profit to the manufacturer. The revenue laws may therefore be said to prohibit a man from the enjoyment of

that to which he feels that he has an equitable claim; unless he will further contribute a sum, which has no connexion with the fair price of the article. They do therefore certainly place a temptation in his way to evade the payment of this additional sum, a temptation arising out of the very law itself, which punishes those who offend. I may be told then;--If your argument on the Game Laws be good for any thing, it applies equally to the revenue laws, and in fact to all laws curtailing the natural rights of mankind, and confining them within the limits prescribed by the good of society, or the general necessities and convenience of the commonwealth. It would be as fair to ascribe the combats between smugglers and revenue officers, with the murders arising therefrom, the breach of the laws of quarantine, the destruction of small fish in a public river, and other such offences against restrictive statutes, to the laws themselves, and not to the wickedness and perversity of individuals, as to use the argument on the Game-laws, in which you have indulged. For there will

always be plenty of temptation arising out of the laws themselves, to seduce men to the breach of them.

I admit that there is some plausibility in this objection; but I think also that it will fall to the ground when we consider that these laws, restrictive as they are of the natural rights of mankind, are justifiable, and *only justifiable*, to the extent in which the good of society and the wants of the state really render them *necessary*; and when it can be shown that the necessity can be met by no other means. Of this necessity the legislature is certainly the judge. But where its judgment is exercised in direct contradiction to the sound judgment of all reasonable men acquainted with the operation of the laws;—where it presumes a necessity and a mode of meeting it, which public opinion does not recognise, and where upon such supposed necessity notorious violations of justice, morality, peace, and good order frequently ensue;—doubtless a broad distinction is introduced between the two cases: nay the whole foundation of the objection to my argument is done away. For if the justification of

prohibitory laws is to be found in the experience of their usefulness and necessity to the state; where these cannot be fairly pleaded, the laws cannot be justified: it is not too much perhaps to say that, in fact, they will not be obeyed. Now if a government is to be supported, the revenue laws are absolutely *necessary*; and he who evades the payment of a tax commits an act as immoral and as injurious to the state as one who steals from the treasury, and is a rogue who runs away from society, and leaves his companions to defray his share of the common expenses.

If pestilence be a calamity, the man who breaks the laws of quarantine (though no mischief may ensue) is a most serious offender, and sets an example that may endanger the future safety of his fellow-citizens. If public property should be preserved, the man who, by taking the young fry from a river, prevents it from coming to maturity for the public use, is an injurious offender against property. None but laws of absolute prohibition, enforced by penalties, would be sufficient in these cases to prevent the evil-disposed and inconsiderate from injuring society.

under pretence of their private convenience or advantage. It appears therefore that both the constitution and operation of the laws just alluded to are necessary, and therefore justifiable. But if there is the least foundation for the detail I have ventured to give of the operation and effects of the Game Laws, it is perfectly clear that neither the good of society, nor the supply of the wants of the state, are in the smallest degree advanced by them, but quite the contrary. It is not even pretended that they have any such object in view. It is in fact for the mere supposed convenience or pleasure of individuals, that society is extensively deranged in its most important departments, and the state damnified by the introduction of a mass of vice and immorality, not a little expensive in its ultimate results.

It may indeed be said, that it is the duty of every state to protect the property of individuals; and game being a species of property, prohibitory laws are necessary for its protection. This leads me to the last branch of the discussion with which I presume to trouble you, where I hope to show that this necessity can be met by means

very different from the present enactments, and entirely free from their unjust and demoralizing effects. This will complete the circle of proofs I stand pledged to establish; and I trust will convince you of the soundness and practical nature of the whole argument, and of the broad distinction between the Game Laws and other prohibitory enactments, as to their justice, expediency, and necessity.

It appears from the preceding parts of this letter, that the demand for Game in the market made by such of the higher ranks of society as can only procure it by purchase, is the main cause, both of the inefficiency and of the bad moral tendency of the Game Laws. The demand holds out a temptation too great to be resisted, and in fact will rise till the resistance be overcome; and at the same time it can only be supplied by a breach of the laws, and the attendant consequences, as I have just described them.

It should seem then that the evil would at once be stopped, if measures could be taken to ensure a *legitimate supply* for this demand in the market; especially if such supply could be brought there

at so cheap a rate as to undersell the dishonest dealer. I have before stated that the risk and penalties now impose a much higher price upon game than the fair cost of rearing, preserving, and bringing it to market. Allow it then to be brought thither at the *fair cost*, and the poacher would be immediately undersold. Although the animals *alive* are *feræ naturæ*, and therefore no man's property in the eye of the law,—when *dead* they strictly belong to the possessor. The simple expedient then of legalizing the sale of them in open market would, I think, be sufficient to prevent the evil.

In favourable situations, game would be reared and preserved for the express purpose of regularly supplying the market in fair and open competition, which would so reduce its price that I see no reason why a partridge should be dearer than a rabbit, or a hare and pheasant than a duck or goose; this is about the proportion of price which the animals bear to each other in France, where game can be legally sold, and is regularly brought to market, and where, by the way, game is as plentiful as in any cultivated

country in Europe. The price so reduced would never be enough to compensate the risk and penalties of the unlawful poacher, who must therefore be driven out of the market. Doubtless the great poulters of London and the commercial towns, who are the *principal instigators of poaching*, would cease to have any temptation to continue so ; as they could fairly and lawfully procure game for their customers at a cheaper rate from the regular breeders. They would, as they now do for rabbits and wild fowl, contract with persons to rear and preserve them for the regular supply of their shops, which would be a much more commodious and satisfactory, and less hazardous way for them, than the irregular and dishonest and corrupting methods now pursued. It is not saying very much in favour of human nature to assert, that men in respectable stations of society had rather procure the *same ends* by honest than by dishonest means. Thus would all the temptations to offend against the Game Laws arising from the change of society, together with the long chain of moral and political mischief, at once disappear.

But then, in order to secure a sufficient breed of game for the supply of the market, in fair and open competition; it will be necessary to authorize a certain number of persons, likely to breed game for sale, to take and dispose of it when reared at their expense. For this purpose I would suggest the propriety of permitting, by law, all occupiers of land of above thirty or forty acres in extent, to take and kill game, for sale or otherwise, on their *own occupations only*, unless (if tenants) they are specifically prohibited by agreement with their landlord, reserving the game and the power of taking it to himself (as is now frequently done in leases). This permission should not, of course, operate during the present current leases, unless by agreement. With this precaution, nothing could be fairer than such an enactment; for it is certainly at the expense of the *occupier* that the game is raised and maintained: and unless he receives an equivalent for it, either by abatement of rent upon agreement, or by permission to take and dispose of it, he is certainly an injured man. Whereas it is perfectly just that the owner of the land should have the

option either to increase his rent by leaving the disposal of his game to his tenant, or vice versa. Game would be considered (as in fact it is) an outgoing from the land, like tithe and other burdens, and therefore to be considered in a bargain; and land would either be let *game-free*, or a special reservation of it made by agreement.

Moreover, since the breed of game must always depend upon the occupier of the land, who may, and frequently does, destroy every head of it, or prevent its coming to maturity, unless it is considered in his rent; the licence for which I am now contending, by affording an inducement to preserve the breed in particular spots, would evidently have a considerable effect in increasing the stock of game in other parts, and in the country at large. There would be introduced a general system of protection depending upon individual interest, instead of a general system of destruction in opposition to it. I have, therefore, very little doubt that the provision here recommended would, upon the whole, add facilities to the amusements of the sportsman, rather than subtract from them. A qualified man might also hire from the occupier

of a large tract of land the privilege of shooting over it, which would answer to the latter as well as sending his game to the market. In short, he might in various ways get a fair return, to which he is well entitled for the expense and trouble incurred in rearing and preserving that particular species of stock upon his land.

You recollect the observations in an early part of this Letter, upon the unfair restraint under which occupiers of land and monied men laboured, in partaking of the sports of the field, although they had either incurred, or were willing to pay, a fair consideration for the privilege. The provision here recommended would also do away this inconvenience. For the pleasures attached to the possession of game being conveyed, together with every other rural amusement and enjoyment, with the possession of the land itself, a monied man, by hiring a tract of it, could at any time become possessed of the privilege of sporting on his own occupation, without having recourse to the disreputable practices to which he is now reduced. And surely it is perfectly fair, in the present state of society, that this

should be within his reach. Referring again to France, where a system very similar to this is adopted, I myself can vouch, from ocular demonstration, that although all the respectable part of society has the privilege of sporting, game is exceedingly abundant, and amply supplied both to their own tables, and to the markets of all the towns in the kingdom.

It is, however, necessary to remark that game being thus reared and preserved at a considerable expense, *as an article of merchandise*, ample protection for it should be granted by the legislature. I think that the present Game Laws, by their protective enactments, would be nearly sufficient for the purpose. The privilege once granted to the occupier or owner, to take game *on his own tenure*, there would certainly be no hardship in restraining persons, who have no title whatever, either on the score of expense incurred, or on any other plea, from invading the property of others. It is, abstractedly speaking, just as reasonable that a peasant, or a stranger, should be permitted to break down my farm-yard gates, and carry away my turkeys, as that he should

have license to tread down my hedges, to trespass over my fields, and carry-off the game from my woods. I conceive, therefore, that the laws respecting the general qualifications for sporting should remain as they are ; with one exception, however, involving a protection justly due to game raised at a considerable expense for sale. This ought no more to be invaded by a *qualified* than by an unqualified man. I should propose, therefore, that instead of the circuitous and expensive process of a prosecution for trespass upon the land, the invasions of a qualified man *upon enclosed and preserved ground*, of the extent above specified, should be checked (after notice given to abstain) by a summary conviction in the penalty of five pounds, as in the case of an unqualified man at present.

It is a mere piece of feudal tyranny, and quite at variance with the modern spirit of the English law, that any distinction should be made between individuals of different classes with respect to their power of injuring the property of others, or of appropriating to themselves, without purchase,

objects of profit, to the production of which they have in no wise contributed.

My proposed alterations then, in the present Game Laws, amount on the whole to the following enactments :

1. That game may be legally exposed to sale.
2. That owners and occupiers of more than ~~thirty or forty~~ acres of land may, under certain restrictions, take and kill game upon *their own occupations*.
3. That qualified persons shall not sport upon preserved and enclosed ground (after notice to abstain), under a penalty of ~~five~~ pounds.

I trust they will be candidly and impartially considered. I have, undoubtedly, exhibited a moral evil of great magnitude, which every good man must wish to see remedied; and of which the legislature of a free and enlightened country ought to be deeply ashamed. I have taken some pains to show that the proposed remedies would go far to extenuate at least, if not entirely to remove the complaint. If the argument be at all supported by fair reasoning, all I presume to

ask is that it shall be met in the same manner, and that the just conclusion, whatever it be, may be honestly acted upon. Above all, I deprecate the evasion of it by the hacknied pretence of a dread of innovation; an argument which, when applied to *a moral evil, proved or admitted*, appears the most degrading and disgraceful by which a great and wise nation can be influenced. For to what does it, in fact, amount, but to a fear of *improvement*; to a dereliction of moral duty; to an admission of apathy and idleness, where zeal and exertion are imperatively requisite; to a confession of incapacity for those very purposes for which systems of polity were instituted, and governments invested with power? And to what does it inevitably lead, but to the production of the very mischief it pretends to dread? The ultimate, and not distant, result of all permission of moral evil is the destruction of civil society: whereas it is to the last degree idle to assert that it cannot be checked by renovating laws, without leading an enlightened and considerate people to destroy the acknowledged foundations of their own happiness and tran-

quillity. The conclusion of the French revolution, among its other benefits, has, I trust, brought to a close the abuse of this contemptible argument:

You will perceive that the provisions I have ventured to recommend do not involve any radical abolition or change of the Game Laws, and that they have especially avoided the plausible expedient which I have frequently heard recommended, of making Game *the absolute property of the owner of the soil on which it is found*, and placing it under the same protection as all other property: a scheme prohibited by the very nature of the animal, and which would prodigiously enhance the severity of the present laws. It would give the proprietor of every little spot of ground the power of *indicting for a larceny* a neighbour who had pursued a partridge or hare across his hedge and killed it; and would establish in every parish in the kingdom a set of petty persecutors, from whom no man who carried a gun could be for an instant free, unless he were the lord and owner of all the country in his neighbourhood. On the contrary, I think that the plan I have traced out is

a considerable relaxation of the severity of the present laws, while at the same time it promises to promote a great increase in the breed of game, provides much more certainly for its preservation, and without materially curtailing the amusements and advantages enjoyed by the sportsmen at *present privileged*, extends them to a wide circle of others, who, in the present state of society (it would be mere attachment to old and obsolete prejudice to deny it) are equally entitled by their station and property to enjoy them.

I state these facts, because I should be unwilling to have it supposed that, in my zeal to get rid of the moral evils arising from the Game Laws, I have overlooked the fair rights and interests of the parties principally concerned in the protection they are presumed to afford. My object has been precisely the reverse; namely, to extend and consolidate that protection upon sure and reasonable grounds. Not that I mean to insinuate that my brethren the Country Gentlemen of England would for a moment hesitate at making any sacrifice with respect to their tastes

and amusements, which might be found absolutely necessary to promote the moral and political welfare of their countrymen. But I am so deeply impressed with the importance of affording every practicable inducement to independent Country Gentlemen to reside upon their properties;—I am so fully convinced that the functions which they *there* perform constitute the main strength of this United Kingdom, and lie at the bottom of all its comparative superiority over the other nations of Europe;—that I should hold it to be a point of extreme bad policy to recommend any thing that could reasonably afford them grounds of disgust. Seeing, however, that no such consequence can fairly result from the propositions I have ventured to recommend, and that their moral consequences would be unspeakably beneficial, I call upon the Country Gentlemen, as the natural guardians of the welfare of their poorer neighbours, as men of candour and philanthropy;—I call upon you, and every friend of good order and sound morals;—I call upon the clergy, the yeomanry, the middle ranks of society;—upon

all, in short, who have received such an education as may enable them to distinguish right from wrong in the operation of laws upon society, to unite in petitioning the legislature for an alteration of the Game Laws, so as to render them consistent with the peace, morality, and good order of their neighbourhoods. Of course I am not vain enough to summon all these parties to agree with me in my specific recommendations. But if I have shown that alterations can be made without doing injustice to any party concerned, yet likely to stem the torrent of vice and corruption which now overflows every country village in the land, from this fertile source; I surely may, without presumption, summon them to unite in the general but expressive terms of the annexed Petition.

I am ever,

My dear Sir,

Yours most faithfully,

A COUNTRY GENTLEMAN,

AND

PROPRIETOR OF GAME.

APPENDIX.

PETITION.

WE, &c. &c. &c. beg leave to represent to your Honourable House, That we have long been deeply impressed with the moral evils and political mischiefs arising out of the Game Laws. We are convinced, by long experience, that they constitute one of the most fertile sources of the corruption of the lower orders, and of the insecurity of every description of rural property.

We cannot ascribe these results of the Game Laws to any other cause than the manifest and glaring defects in the constitution of the laws themselves; which have become, by lapse of time and change of circumstances, entirely unadapted to the present condition of society. We are convinced also that these defects may be remedied, without any dereliction of the fair objects of the laws themselves.

We therefore humbly pray your Honourable House to take into your consideration the principle, objects, and operation of those laws, and to make such alterations therein as to your wisdom shall seem fit; so that the youth of our villages may no longer be reared for the gallows by the temptations arising out of their enactments.

*SKETCH of an Act of Parliament for carrying the
Objects of the preceding Pamphlet into Execution.*

BE it enacted, &c.

I. THAT from and after, &c. any poulterer, or inn-keeper letting post-horses, residing in any *market-town*, (upon procuring a license from the Stamp Office on payment of one guinea, and writing in large characters over his door the words "*Licensed Dealer in Game,*") may, and he is hereby authorized to purchase game of any of the persons hereinafter specified as authorized to sell it, and may at any time during the regular seasons dispose of the same again to the public.

II. That from and after, &c. any occupier of any tract of land exceeding _____ acres, not duly qualified by the laws now in force for the preservation of the game (upon paying one guinea for a license, and unless, being a tenant, he is specially precluded by agreement with his landlord,) may, and he is hereby authorized to take and kill game *on his own occupation only*, and to dispose of the said game, by himself or his agents, to the aforesaid Licensed Dealers in Game; or to sell the same in the open and accustomed market of any *market-town*, on the regular market-day only. This regulation is not to apply to tenants under leases granted previous to the passing of this Act during the continuance of such leases, unless by special agreement with their landlord.

III. That no person qualified to kill game by the laws of this kingdom, shall enter upon the enclosed and preserved grounds of another for the purpose of killing game, after due notice in writing to abstain, under a penalty of ~~five~~ pounds.

worthy

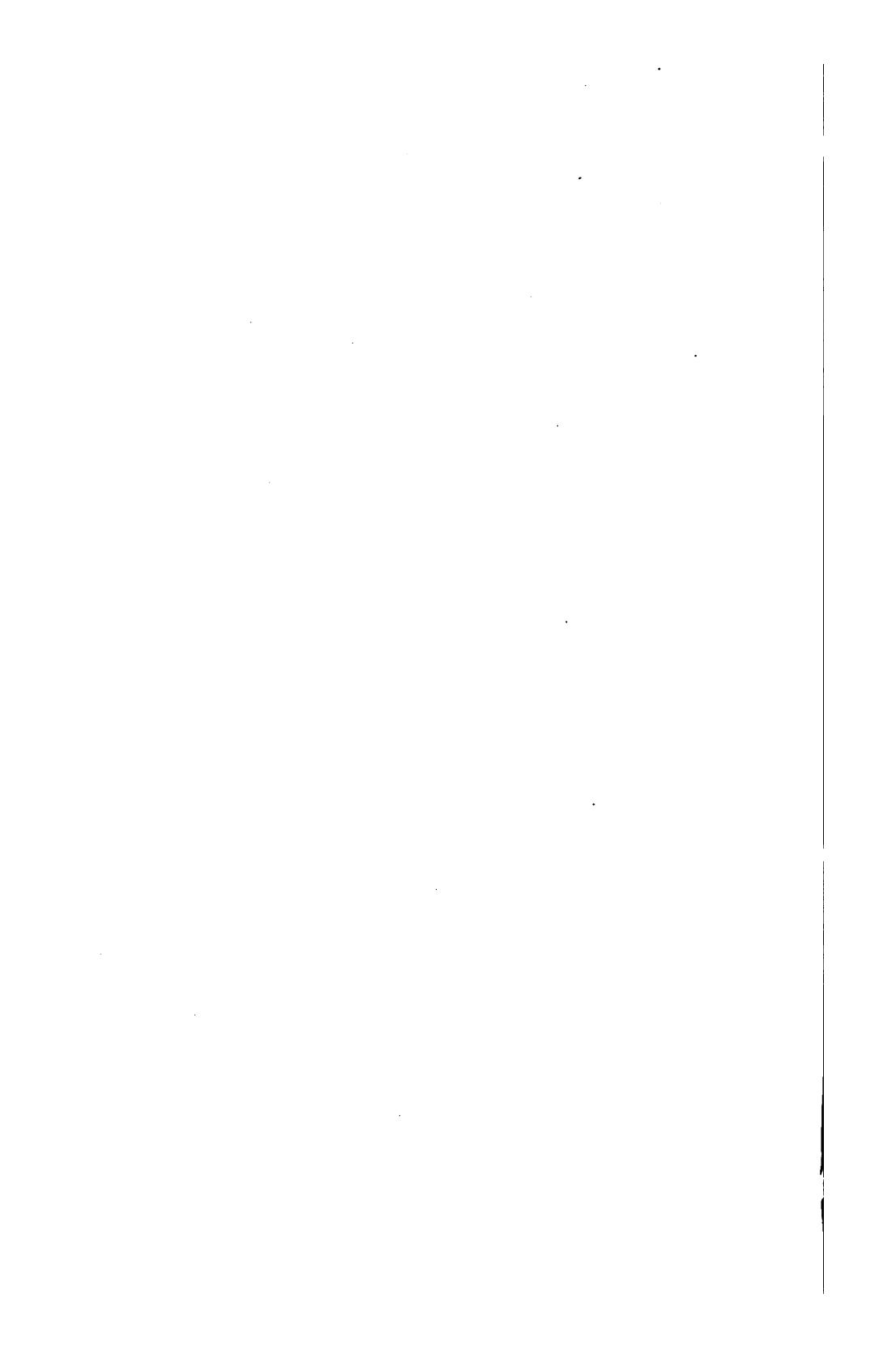
IV. That nothing in this act contained shall go to alter the seasons for killing game, nor to authorize any persons, (except such as are duly qualified under this Act, or under the existing Game Laws,) to take, kill, or sell Game; nor to have it in their possession unless legally purchased. Nor shall this Act in any manner annul the provisions of the several acts passed heretofore, and now in force, for the preservation of the game, except in so far as they are altered by the provisions of this Act.

THE END.









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